

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TIVO INC., a Delaware corporation,

Plaintiff,

v.

Civil Action No. 2:09-cv-257-JRG

VERIZON COMMUNICATIONS INC.,
a Delaware corporation, et al.,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

This matter having come before the Court and it being represented that Plaintiff TiVo Inc. ("TiVo") and Defendants and Counterclaim Plaintiffs Verizon Communications Inc., Verizon Services Corp., Verizon Corporate Resources Group LLC, Verizon Corporate Services, Group Inc., and Verizon Data Services LLC (collectively "Verizon") (with TiVo, the "Parties"), have agreed to dismiss the above-captioned action with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure:

Based upon the agreement, consent, and approval of the Parties, **IT IS HEREBY ORDERED** that:

- a. All of TiVo's claims and counterclaims asserted against Verizon in the above-captioned action are dismissed with prejudice;
- b. All of Verizon's claims and counterclaims asserted against TiVo in the above-captioned action (including claims asserted in this action that were previously dismissed without prejudice) are dismissed with prejudice;
- c. TiVo and Verizon shall each bear their own costs and attorney's fees in this action;

- d. The foregoing dismissals are without prejudice to any claims that TiVo has asserted, could have asserted, or may in the future assert against any party other than Verizon, and any claims that Verizon has asserted, could have asserted, or may in the future assert against any party other than TiVo.